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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,315	10/22/2003	Michael J. Wookey	30014200-1122	6393

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EXAMINER
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MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
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2165

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/22/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/691,315	<b>Applicant(s)</b> WOOKEY, MICHAEL J.	
	<b>Examiner</b> Tony Mahmoudi	<b>Art Unit</b> 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Remarks***

1. In response to communications filed on 05-October-2006, claim 30 is cancelled and claim 15 is amended, and new claims 13-19 are added per applicant's request. Therefore, claims 1-29 are presently pending in the application, of which, claims 1, 15 and 29 are presented in independent form.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 15-28 remain rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Amended independent claim 15 (and its dependent claims) recite, "a tangible computer readable medium", which, according to the specification of the instant application comprises non-statutory subject matter (a transmission medium may be tangible but it is not considered statutory subject matter.)

The specification of the instant application, in paragraphs 74 (page 6) and paragraph 27 (page 7) states:

Art Unit: 2165

“[0074] Although aspects of methods, systems, and articles of manufacture consistent with the present invention are depicted as being stored in memory, one having skill in the art will appreciate that these aspects **may be stored on or read from other computer-readable media**, such as secondary storage devices, like hard disks, floppy disks, and CD-ROM; **a carrier wave received from a network such as the Internet**; or other forms of ROM or RAM either currently known or later developed. Further, although specific components of the data processing system 100 have been described, one skilled in the art will appreciate that a data processing system suitable for use with methods, systems, and articles of manufacture consistent with the present invention **may contain additional or different components**.”

According to the above paragraph, the “a tangible computer readable media” recited in the above claims, comprises “a carrier wave” and/or relies on technology or storage devices not currently known in the art (e.g., “later developed” and “additional or different components”), which are non-statutory subject matters.

The Applicant can overcome this rejection by amending the above claim to recite, for example, “a computer readable **storage medium storing** instructions that....”.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Devine et al (U.S. Publication No. 2002/0095399 A1, hereinafter referred to as Devine.)

As to claim 1, Devine teaches a method in a data processing system (see paragraph 38) having a program (see paragraphs 2 and 22), the method comprising the steps of:

obtaining information (see paragraphs 55, 62, and 392) describing a datatype to be registered (see “when the file is registered in the database” in paragraph 390), the datatype having a metadata that describes a data and a reference to the data (see paragraph 543, where “each data service includes associated metadata” is taught, and where “metadata that describes a data and a reference to the data” is read on “data elements described by metadata”), the data being maintained separately from the datatype (see paragraph 384, where “metadata is stored in a separate part of the delivered service output”), the information describing the datatype including a class field that is common to other datatypes (see paragraph 64, where the “information describing the datatype” is read on “metadata”; also see paragraphs 419 and 422; and see paragraph 543 where, “class field that is common to other datatypes” is explained in “data elements described by the metadata can be assigned to particular cell ranges in the spreadsheet”); and an instance field that is specific to the datatype (see paragraph 548 where, “the user can browse the metadata of a service and assign different notifications to different data elements”); and

storing the information describing the datatype in a registry (see paragraph 63, where “registry” is read on “memory buffer”; and see paragraph 384, where “information describing the datatype” is read on “metadata”), at least a portion of the information

Art Unit: 2165

describing the datatype being included in the datatype's metadata (see “the service metadata describes the data provided by the service, and the subscriber uses an interface to this metadata to specify what should be used” in paragraph 64.)

As to claims 2 and 16, **Devine** teaches the method further comprising the step of: validating the datatype (see paragraphs 405 and 487, where “validating” is read on “verifying”.)

As to claims 3 and 17, **Devine** teaches wherein the information includes a key that enables the datatype to be joined with the other datatypes having the key in their respective metadata (see the teaching of “common class field” in claim 1, where “the key” is interpreted to be the same as “common class field” as taught in paragraphs 64, 419, 422, and 543.)

As to claims 4 and 18, **Devine** teaches wherein the information includes an identifier of the datatype (see paragraph 63, where “identifier of the datatype” is read on “record of a certain type”; and see “message type identifier” in paragraph 112.)

As to claims 5 and 19, **Devine** teaches wherein the information includes a description of the datatype (see paragraphs 64, 384, and 543.)

Art Unit: 2165

As to claims 6 and 20, Devine teaches wherein the information includes a version information about the datatype (see paragraphs 243 and 301.)

As to claims 7 and 21, Devine teaches wherein the information includes a priority of the datatype (see paragraphs 243 and 416, where “priority” is read on predetermined “order”.)

As to claims 8 and 22, Devine teaches wherein the information includes a database identifier for a database that stores the information (see paragraphs 392-393 and 496-497.)

As to claims 9 and 23, Devine teaches wherein the information includes a storage server identifier for a database that stores the information (see paragraphs 32, 66, 424 and 497.)

As to claims 10 and 24, Devine teaches wherein the information includes a message topic associated with the datatype (see “message type identifier” in paragraphs 97 and 98.)

As to claims 11 and 25, Devine teaches wherein the information includes a relevance of lifetime of the datatype (see paragraphs 65, 71, and 134.)

As to claims 12 and 26, Devine teaches wherein the information includes a status of the datatype (see paragraphs 339 and 583.)

Art Unit: 2165

As to claims 13 and 27, Devine teaches wherein the information includes a description of the datatype (see paragraphs 64, 384, and 543.)

As to claims 14 and 28, Devine teaches wherein the information includes an intrinsic value of the datatype (see paragraphs 61 and 69, where “intrinsic value” is read on “specified value” and “cell value”).

As to claim 15, Devine teaches a tangible computer-readable medium containing instructions that cause a program in a data processing medium to perform a method (see paragraphs 37, 55 and 60.)

For the remaining limitations of this claim, the Applicant is directed to the remarks and discussions made in claim 1 above.)

As to claim 29, Devine teaches a data processing system (see paragraph 38) comprising: a memory (see paragraphs 55 and 60) having a program (see paragraphs 38 and 67); and a processing unit that runs the program (see paragraphs 60, 483, and 485.)

For the remaining limitations of this claim, the Applicant is directed to the remarks and discussions made in claim 1 above.

### ***Response to Arguments***

6. Applicant's arguments filed on 05-October-2006 with respect to the rejected claims in view of the cited references have been fully considered but they are not deemed persuasive:



Art Unit: 2165

The amendments to the specification and the drawing figures are noted by the Examiner. Accordingly, the previous objections made to the specification and the drawings are hereby withdrawn by the Examiner.

In response to the applicant's argument stating, "claim 15 has been amended to clarify the computer-readable medium is a tangible medium", the Examiner notes the amendment. However, the existence of the term "tangible" in the referenced claim does not necessarily indicate that the readable medium is not a transmission media. The Examiner maintains the previous rejection of this claim under 35 U.S.C. 101 and recommends that the claim be amended to recite "a computer readable **storage** medium **storing** instructions that...", to overcome the rejection.

The Applicant argues that, "*Devine* fails to disclose or teach registering datatypes." The Examiner respectfully disagrees. As mentioned in the above rejection, Devine teaches "when the file is registered in the database" (in paragraph 390.) Further, the Examiner notes that the independent claims of the instant Application does not explicitly teach "registering datatypes". The claims of the instant Application rather discuss datatypes "to be registered" but do not clearly teach or suggest the "registration" of said datatypes. This is evident in all the independent claims of the instant Application in the way the limitations are recited (e.g., independent claim 1 recites, "*obtaining information describing a datatype to be registered, the datatype having a metadata that describes....*"; and "*storing the information describing the datatype in a registry, at least a portion of the information .....*".) The claims do not

Art Unit: 2165

clearly discuss registering datatypes and/or as to how they are registered. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Applicant also argues that, “*Devine* fails to teach an information that includes an instant field that is specific to a datatype.” The Examiner respectfully disagrees. As discussed in the rejected claim above, Devine teaches this limitation in paragraph 548 of his invention. In addition, Devine also teaches, “the database holds a field that indicates when this user was last queried” in paragraph 504, indicating that the held field is an instant field that is specific to the user. Further, in paragraph 584 of his invention, Devine lists various fields specific to datatypes.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2165

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (571) 272-4146.

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October 25, 2006

*Stienne P. Althouse*  
*primary examiner*